

## REMARKS

### Entry of Amendment

As Applicants are filing a RCE herewith, this amendment and the accompanying IDS should be entered and considered by the Examiner at this time.

Applicants will now address each of the Examiner's rejections in the order in which they appear in the Final Rejection.

### Claim Rejections – 35 USC §103

#### Claims 5-8, 15 and 16; 21 and 25

In the Final Rejection, the Examiner rejects Claims 5-8, 15 and 16, and Claims 21 and 25 under 35 USC §103(a) as being unpatentable over O'Brien et al or Baldo et al., either reference in view of Salbeck et al. and Gushin et al. (US 2002/0121638). This rejection is respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are canceling Claims 7, 8, 16 and 25 without prejudice or disclaimer, rendering the rejection of these claims moot.

With regard to Claims 5, 6, 15, and 21, the Examiner appears to be contending that O'Brien or Baldo discloses all the claimed features except spiro-CBP, spiro-NPD, and spiro-TAZ. The Examiner, however, appears to be relying upon Salbeck for curing the deficiency of O'Brien or Baldo, since the Examiner contends that Salbeck discloses using compounds having a spiro-linkage. Further, the Examiner appears to be relying upon Grushin for curing the

deficiency of O'Brien or Baldo in view of Salbeck, since the Examiner contends that Grushin discloses TAZ.

Applicants respectfully submit that the Examiner's rejection is improper and that there has been no proper showing of each and every claimed element of Claims 5, 6, 15 and 21.

In particular, independent Claim 5 is directed to a light emitting device having an organic electroluminescence element capable of converting triplet excitation energy into light to be emitted. The organic electroluminescence element comprises spiro-NPD(NPB), the host material comprises spiro-CBP and the hole blocking layer comprises spiro-TAZ. As stated in the present application, "[i]n an organic EL element in which high light emission efficiency is obtained by converting triplet excitation energy into light to be emitted, a spiro compound having a higher heat resistance than a conventionally used material or an organic compound having high molecular stability is applied and an organic EL element which is light and has low consumption power and superior durability (increase an element life) is obtained" (abstract).

Applicants have invented an EL element having superior durability for triplet emitting by a combination of at least of spiro-NPD(NPB), spiro-CBP and spiro-TAZ, as recited in independent Claim 5. This is a non-obvious combination which overcomes the problems described on page 7, line 19-page 8, lines 1-15 of the present application.

In contrast, while Salbeck discloses spiro-concept for improving processability and morphologic stability and spiro-CBP, and O'Brien or Baldo discloses  $\alpha$ -NPD, and Gurushin discloses TAZ, *none* of the cited references discloses the claimed "spiro-NPD(NPB)" or "spiro-TAZ." Hence, there has been no showing by the Examiner of "spiro-NPD(NPB)" or "spiro-TAZ." It is not proper to simply combine the spiro-concept of Salbeck to NPD(NPB) and TAZ without showing the existence of "spiro-NPD(NPB)" and "spiro-TAZ." Hence, even if the cited

references can be combined (which Applicants do not admit), the combination still fails to disclose each and every element of independent Claim 5.

In addition, it is respectfully submitted that it would not have been obvious at the time of the present invention for one skilled in the art to use spiro compounds. First, Applicants note that people in 2001 (when the present application was filed) did not believe there was a problem with a light emitting layer including CBP and Ir(ppy)<sub>3</sub> or PTOEP, since it was thought that a combination of CBP and Ir(ppy)<sub>3</sub> or PTOEP was enough for light-emitting. Further, the material cost for spiro compounds could be expensive, and synthesis of such compounds could be complicated.

Accordingly, there is no disclosure or suggestion in the cited references of the specific elements of the claimed invention. Therefore, it is respectfully submitted that Claims 5, 6, 15, and 21 are patentable over cited references, and it is respectfully requested that this rejection be withdrawn.

#### Claims 19, 20, 22-24 and 26

The Examiner also rejects Claims 19, 20, 22-24 and 26 under 35 USC §103(a) as being unpatentable over O'Brien et al. or Blado et al., either reference in view Salbeck et al. and Grushin et al. and further in view of Böhler et al. (U.S. 6,262,441). This rejection is also respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are canceling Claims 23-26 without prejudice or disclaimer, rendering the rejection of these claims moot.

With regard to Claims 19, 20 and 22, each of these claims is a dependent claim. Therefore, for at least the reasons discussed above for the independent claims, each of these claims is also patentable over the cited references. Accordingly, it is respectfully requested that this rejection be withdrawn.

#### Claims 9-12, 17 and 18

The Examiner also rejects Claims 9-12, 17 and 18 under 35 USC §103(a) as being unpatentable over O'Brien et al. or Baldo et al., either reference in view of Salbeck et al. in view of Grushin et al. and Kreuder et al. (US6329082). This rejection is also respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are canceling Claims 11, 12 and 18 without prejudice or disclaimer, rendering the rejection of these claims moot.

With regard to Claims 9, 10 and 17, for substantially the same reasons as explained above for Claims 5, 6, 15 and 21, Claims 9, 10 and 17 are also patentable over the cited references. Accordingly, it is respectfully requested that this rejection be withdrawn.

#### Claims 29 and 33

The Examiner also rejects Claims 29 and 33 under 35 USC §103(a) as being unpatentable over O'Brien et al. or Baldo et al., either reference in view of Salbeck et al. and Kreuder et al. (U.S. 6,329,082). This rejection is also respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are canceling Claims 33 without prejudice or disclaimer, rendering the rejection of this claim moot.

With regard to Claim 29, this claim is a dependent claim. Therefore, for at least the reasons discussed above for the independent claims, this claim is also patentable over the cited references. Accordingly, it is respectfully requested that this rejection be withdrawn.

#### Claims 27, 28, 30-32 and 34

The Examiner rejects Claims 27, 28, 30-32 and 34 under 35 USC §103(a) as being unpatentable over O'Brien et al. or Baldo et al., either reference in view of Salbeck et al., Grushin et al. and Kreuder et al. and further in view of Böhler et al. This rejection is also respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are canceling Claims 31, 32 and 34 without prejudice or disclaimer, rendering the rejection of these claims moot.

With regard to Claims 27, 28 and 30, each of these claims is a dependent claim. Therefore, for at least the reasons discussed above for the independent claims, each of these claims is also patentable over the cited references. Accordingly, it is respectfully requested that this rejection be withdrawn.

#### Information Disclosure Statement

Applicants are submitting an information disclosure statement (IDS) herewith. It is respectfully requested that this IDS be entered and considered prior to the issuance of any further action on this application.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any further fee should be due for this amendment, the RCE, or the IDS, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

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Respectfully submitted,

/Mark J. Murphy/  
Mark J. Murphy  
Registration No. 34,225

COOK, ALEX, McFARRON, MANZO,  
CUMMINGS & MEHLER, LTD.  
200 West Adams Street  
Suite 2850  
Chicago, Illinois 60606  
(312) 236-8500

Customer No. 26568